

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
Maureen L. Rogers,

Plaintiff,

-v-

Key Bank,

Adversary Proceeding  
Adversary No.: 06-1459-dem  
Chapter 13 Case No.: 06-42049-dem

Defendant.

-----X  
STATE OF NEW YORK )  
COUNTY OF NASSAU ) ss:

**ANSWER TO AMENDED COMPLAINT**

Defendant, Key Bank, a Creditor of the Debtor/Plaintiff herein, by its attorneys, Rosicki, Rosicki & Associates, as and for it=s Answer to the complaint respectfully alleges as follows:

1. Denies knowledge or information sufficient to form a belief as to the allegation contained in paragraph “1” of the amended complaint.

2. Admits the allegation contained in paragraph “2” of the amended complaint.

3. Admits the allegation contained in paragraph “3” of the amended complaint.

4. Admits the allegation contained in paragraph “4” of the amended complaint.

5. Admits the allegation contained in paragraph “5” of the amended complaint.

6. Denies knowledge or information sufficient to form a belief as to the allegation contained in paragraph “6” of the amended complaint.

7. Denies knowledge or information sufficient to form a belief as to the allegation contained in paragraph “7” of the amended complaint.

8. Denies knowledge or information sufficient to form a belief as to the allegation contained

9. Denies knowledge or information sufficient to form a belief as to the allegation contained in paragraph “9” of the amended complaint.

10. Denies knowledge or information sufficient to form a belief as to the allegation contained in paragraph “10” of the amended complaint.

11. Denies the allegation contained in paragraph “11” of the amended complaint.

12. Denies knowledge or information sufficient to form a belief as to the allegation contained in paragraph “12” of the amended complaint.

13. Denies knowledge or information sufficient to form a belief as to the allegation contained in paragraph “13” of the amended complaint.

14. Denies knowledge or information sufficient to form a belief as to the allegation contained in paragraph “14” of the amended complaint.

15. Denies knowledge or information sufficient to form a belief as to the allegation contained in paragraph “15” of the amended complaint.

16. Admits the allegation contained in paragraph “16” of the amended complaint.

17. Admits the allegation contained in paragraph “17” of the amended complaint.

18. Admits the allegation contained in paragraph “18” of the amended complaint.

**AS AND FOR THE FIRST CLAIM FOR RELIEF**

19. Denies the allegation contained in paragraph “20” of the amended complaint.

20. Denies the allegation contained in paragraph “21” of the amended complaint.

21. Denies the allegation contained in paragraph “22” of the amended complaint.

**AS AND FOR THE SECOND CLAIM FOR RELIEF**

22. Denies the allegation contained in paragraph "24" of the amended complaint.

23. Denies the allegation contained in paragraph "25" of the amended complaint.

**FIRST AFFIRMATIVE DEFENSE**

24. Defendant repeats and realleges the allegations herein above as though fully set forth herein.

25. The Amended Complaint fails to state a claim upon which relief can be granted.

**SECOND AFFIRMATIVE DEFENSE**

26. Defendant repeats and realleges the allegations herein above as though fully set forth herein.

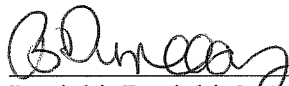
27. The cause of action is barred by statute of limitations.

**THIRD AFFIRMATIVE DEFENSE**

28. Defendant repeats and realleges the allegation herein above as though fully set forth herein.

29. The cause of action, if any, alleged in the Amended Complaint, is barred by federal law in that the obligations owed to Defendant are not dischargeable pursuant to 11 USC Section 523 (a)(8).

Dated: May 9, 2007  
Plainview, New York



Rosicki, Rosicki & Associates, P.C.  
By: Barbara Dunleavy, Esq.  
Attorneys for Defendant, Key Bank  
51 E. Bethpage Road  
Plainview, New York 11803  
(516)741-2585

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STATE OF NEW YORK)

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COUNTY OF NASSAU)

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**AFFIDAVIT OF SERVICE**

Rose Saramago, being duly sworn, deposes and says:

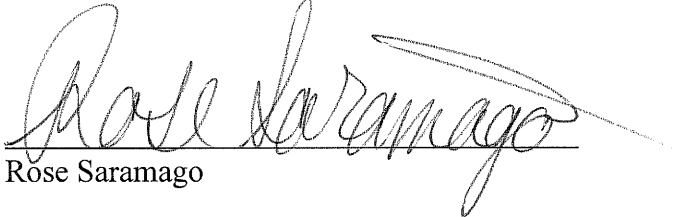
I am not a party to this action, am over 18 years of age and reside in Suffolk County, New York.

On May 9<sup>th</sup>, 2007, I served the Notice of Appearance and Demand for Service of All Papers, by depositing a true copy thereof in a post-paid wrapper, in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State, addressed to each of the following persons at the last known address set forth after each name:

Maureen L. Rogers  
25 Signs Road  
Staten Island , NY 10314

John S. Pereira, Esq.  
150 East 58<sup>th</sup> Street  
14<sup>th</sup> Floor  
New York, NY 10155

United States Trustee  
560 Federal Plaza  
Central Islip, NY 11722

  
Rose Saramago

Sworn to before me on this  
9<sup>th</sup> day of May, 2007

  
NOTARY PUBLIC

ELIZABETH S. PLATT  
NOTARY PUBLIC, State of New York  
No. 01PL6078441  
Qualified in Suffolk County  
Commission Expires Aug 5, 2010

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Adversary No.: 06-1459-dem

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**ROSICKI, ROSICKI & ASSOCIATES, PC  
ATTORNEYS AT LAW**

Attorneys for Defendant, Key Bank  
51 E. Bethpage Road  
Plainview, NY 11803  
(516)741-2585